

Memorandum

To: Chair and Commissioners

Date: October 31, 2005

From: Diane C. Eidam
Executive Director

**Reference Number 4.8
Action**

Ref: Selection of Alternate for Purposes of Toll Bridge Program Oversight Committee

Issue: Should the Commission designate an alternate to the Executive Director to serve as a member of the Toll Bridge Oversight Committee?

Recommendation: Commission staff recommends that the Commission designate an alternate to the Executive Director, to serve as a member of the Toll Bridge Program Oversight Committee in place of the Executive Director, but only if the Executive Director is unable to serve as to a particular issue for the which the Executive Director has recused herself, or in which the Executive Director is unable to serve due to conflict of interest.

Background: The Executive Director of the Commission is, by law, a member of the Toll Bridge Program Oversight Committee ("TBPOC"), established by Assembly Bill 144 (2005). The establishment of the TBPOC was the result of the Legislature's intention to address cost overruns and project delay. The Legislature directed that, among other things, the TBPOC review project status, program costs, and schedules, resolve project issues, evaluate project changes; develop and regularly update cost estimates, risk assessments, and cashflow requirements for all phases of the toll bridge projects; and provide program direction, as well as to review and to approve significant change orders and claims.

There may arise an occasion in which the TBPOC must deal with an issue from which the Executive Director considers it necessary to recuse herself. It appears that under such circumstances the intent of the Legislature is better served by the selection of an alternate to serve in place of the Executive Director. The Commission appears to be the appropriate body to select such an alternate.